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T.R.A. DOCKET ROOM  
November 17, 2004**Guy M. Hicks**  
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VIA HAND DELIVERY

Hon. Randal Gilliam, Hearing Officer  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37238

Re: *Petition of Cinergy Communications Company for Arbitration of an Interconnection Agreement with BellSouth Telecommunications, Inc. pursuant to the Telecommunications Act of 1996*  
Docket No. 01-00987

Dear Mr. Gilliam:

Pursuant to your *Order Directing Filing of Revised Joint Issues Matrix*, the parties have reviewed the remaining issues in this proceeding and agree that Issue 12 (DSL over UNE-P) is the only remaining issue.

In light of recent and anticipated developments, the parties request that oral argument be scheduled to occur not less than 45 days from today for the following reasons.

First, the FCC will today release its written order in response to a request by Vonage, a provider of Voice over Internet Protocol ("VoIP") technology, seeking a declaration that Vonage's VoIP service is not subject to state telecom regulation. It is possible that the written order will provide relevant information with respect to the arguments made by the parties.<sup>1</sup>

Second, the arguments made by the parties are now pending at the FCC in connection with BellSouth's December 9, 2003 *Request for Declaratory Ruling that State Commissions May Not Regulate Broadband Internet Access Service by*

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<sup>1</sup> See Re: *Vonage-Holds Corporation Petition for Declaratory Ruling Concerning an Order of the Minnesota Public Utilities Commission*, WC Docket 03-211, FCC 04-\_\_\_\_\_ (2004).

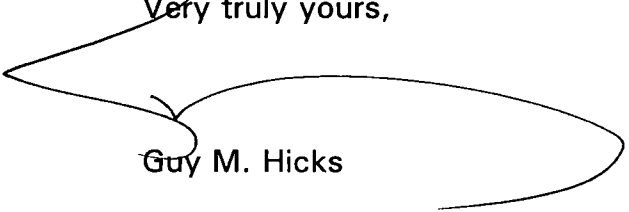
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*Requiring BellSouth to Provide Wholesale or Retail Broadband to CLEC UNE Voice Customers ("Declaratory Ruling Proceeding").*<sup>2</sup> The parties are attempting to determine when the FCC will rule on this matter. A ruling by the FCC in the *Declaratory Ruling Proceeding* obviously would provide important, if not dispositive, information to the Authority.

For these reasons, the parties respectfully request that the oral argument be scheduled no sooner than 45 days from today.

A copy of this letter is being provided to counsel of record.

Very truly yours,



Guy M. Hicks

GMH:ch

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<sup>2</sup> This matter is pending before the FCC in WC Docket No. 03-251.

## CERTIFICATE OF SERVICE

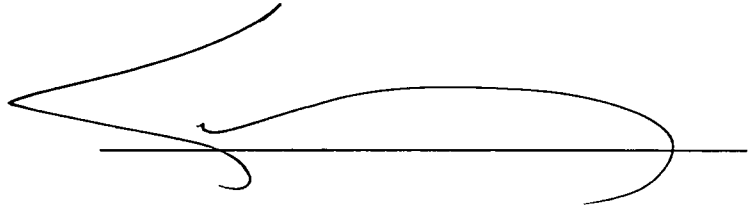
I hereby certify that on November 17, 2004, a copy of the foregoing document was served on the parties of record, via the method indicated:

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A handwritten signature in black ink, appearing to read 'Bob Bye', is written over a horizontal line.